

## REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the following remarks, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections.

### Art Rejections:

Claims 1-5, 7, 9, 12-16, and 20-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Essig et al.* in view of *Bloohn*. This rejection is substantially the same as the rejection set forth in the Official Action dated November 18, 2003. In response to the first instance of the rejection, the four independent claims were amended to clarify that the planar connecting portions are parallel and juxtaposed to one another. Thus, each of the four independent claims recites a frame structure for a rack for electrical equipment, which includes two horizontal frame members and one vertical frame member. Each of the members includes planar portions which are parallel and juxtaposed to one another and are secured together by a common fastener engaging the juxtaposed portions of the three frame members. The purpose of the amendment was to clarify that by "juxtaposed" the portions are arranged side by side, and not merely just next to each other.

In the outstanding Official Action, the Examiner commented that the Applicant was relying upon features that were allegedly not recited in the claims. In particular, the Examiner noted that Applicant's arguments relied upon the fact that the juxtaposed portions were arranged side by side. However, Applicant submits that such feature is in the claims, because such feature is inherent in the definition of juxtaposed. Specifically, the American Heritage Dictionary defines juxtapose as "to

place side by side". Accordingly, Applicant submits that the features relied upon to distinguish over the cited prior art are in fact in the claims.

Turning the attention now to the outstanding rejection, although *Essig* discloses three frame members which include planar portions, *Essig* only has two planar portions juxtaposed to one another at a time, and thus requires two fasteners at each joint. *Bloohn* does not overcome this deficiency of *Essig* in that *Bloohn* does not teach or suggest three planar portions which are parallel and juxtaposed to one another, either. In fact, *Bloohn* does not even teach or suggest two planar portions that are parallel and juxtaposed to one another.

The structure of the present invention provides enhanced strength by having three parallel, planar portions juxtaposed to one another. In addition, in view of the fact that all three members can be secured by one common fastener, ease of assembly is also accomplished. In addition, a first one of the frame members is a hollow section, and a second one of the frame members passes through an opening in a wall of the first frame member. This structure provides additional stability. None of the prior art teaches or suggests such an arrangement. Accordingly, the Examiner is respectfully requested to reconsider the claims and to withdraw the outstanding rejections.


To further define the protection to which Applicant is entitled, new claims 30-33 are submitted herewith. The new dependent claims depend respectively from each of the independent claims and further add that the juxtaposed portions are arranged side by side. Applicants submit that this feature is inherent in the definition of juxtaposed, but the claims are added out of an abundance of caution.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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